

NOT YET SCHEDULED FOR ORAL ARGUMENT

Case No. 25-5243

IN THE
**United States Court of Appeals
for the District of Columbia Circuit**

REFUGEE AND IMMIGRANT CENTER FOR EDUCATION AND LEGAL
SERVICES, et al.,

Plaintiffs-Appellees,

v.

KRISTI NOEM, et al.

Defendants-Appellants.

From the United States District Court for the District of Columbia
Case No. 1:25-cv-00306-RDM (Hon. Randolph D. Moss)

**NOTICE OF INTENT OF THE CATO INSTITUTE TO FILE AN *AMICUS
CURIAE* BRIEF IN SUPPORT OF PLAINTIFFS-APPELLEES AND
AFFIRMANCE**

Thomas A. Berry
Sam Rutzick
CATO INSTITUTE
1000 Massachusetts Avenue, N.W.
Washington, D.C. 20001
(443) 254-6330
tberry@cato.org
Counsel for Amicus Curiae

September 19, 2025

RULE 26.1 CORPORATE DISCLOSURE STATEMENT

Amicus curiae the Cato Institute is a nonprofit corporation. It has no parent companies, subsidiaries, or affiliates that have issued shares or debt securities to the public. Pursuant to D.C. Circuit Rule 26.1(b), the Cato Institute states that it is a 501(c)(3) nonprofit organization dedicated to advancing the principles of individual liberty, free markets, and limited government. Cato's Robert A. Levy Center for Constitutional Studies helps restore the principles of constitutional government that are the foundation of liberty.

/s/Thomas A. Berry
Thomas A. Berry

Dated: September 19, 2025

Counsel for Amicus Curiae

NOTICE OF INTENT TO FILE *AMICUS* BRIEF

Pursuant to Fed. R. App. P. 29(a), D.C. Circuit Rule 29(b), the Cato Institute represents that it intends to participate in this case as *amicus curiae*. The Parties have consented to the filing of this *amicus* brief.

The Cato Institute, established in 1977, is a nonpartisan public policy research foundation dedicated to advancing the principles of individual liberty, free markets, and limited government. Cato's Robert A. Levy Center for Constitutional Studies helps restore the principles of constitutional government that are the foundation of liberty. Toward those ends, Cato publishes books, studies, and the annual *Cato Supreme Court Review*, and conducts conferences and forums. This case interests *amicus* because it concerns a contested exercise of executive power that threatens the separation of powers and economic liberty.

Amicus respectfully submits that this notice is timely filed under D.C. Circuit Rule 29(b). *Amicus* intends to file its brief no later than September 19, 2025 in accordance with D.C. Circuit Rule 29(c). Counsel certifies that this brief contains arguments distinct from and complementary to Appellees' brief.

Respectfully submitted,

/s/Thomas A. Berry

Thomas A. Berry

CATO INSTITUTE

1000 Massachusetts Avenue, N.W.

Washington, D.C. 20001

(202) 789-5202

tberry@cato.org

Counsel for Amicus Curiae

Dated: September 19, 2025

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2025 I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system.

I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by CM/ECF.

/s/Thomas A. Berry
Thomas A. Berry

Dated: September 19, 2025

Counsel for Amicus Curiae